

Metcalfe	Schuenemann
Moffett	Settle
Monkhouse	Sewell
Morris	Sharpe
Morse	Shell
Newton	Simpson
Nicholson	Skaggs
Oliver	Smith of Hopkins
Palmer	Smith
Patterson of Mills	of Matagorda
Patterson	Smith of Tarrant
of Travis	Stevenson
Petsch	Stocks
Pope	Talbert
Powell	Tarwater
Prescott	Tennant
Quinn	Tennyson
Ragsdale	Thornberry
Reader	Thornton
Reed of Bowie	Waggoner
Reed of Dallas	Walker
Rhodes	Weldon
Riddle	Westbrook
Roark	Winfree
Ross	Wood
Russell	Worley
Rutta	

Absent

Vale

Absent—Excused

Jones of Wise Stinson
Keith

The Chair announced a quorum of the House present.

The following Members of the official party were then announced at the bar of the House, and being admitted, advanced into the Hall and were escorted to seats on the Speaker's stand: The Governor, Governor-elect, the the Honorable James V. Allred, and Mrs. Allred; the Lieutenant Governor, Lieutenant Governor-elect, the Honorable Walter F. Woodul, and Mrs. Woodul; Associate Justice John H. Sharp of the Supreme Court, Honorable Robert W. Calvert, Speaker of the House and Mrs. Calvert, and former Governor Dan Moody and Mrs. Moody, Honorable Pat M. Neff, former Governor, Honorable James E. Ferguson, former Governor, and Father William Blakeslee; Senators Brownlee, Beck, Cotten and Moore, committee on the part of the Senate, and Messrs. Knetsch, Baker, Cleveland, McFarland and Metcalfe, committee on the part of the House, the Governor's Staff, and Major General Breese, representative of the United States Army, and the heads of the various State Departments.

Hon. Robert W. Calvert, Speaker of the House of Representatives, stated that the two Houses were in Joint Session for the purpose of inaugurating the Governor-elect and the Lieutenant Governor-elect.

Father William Blakeslee, on invitation of Speaker Calvert, delivered the invocation.

The Lieutenant Governor-elect, the Honorable Walter F. Woodul, then came forward and took the constitutional oath of office, which was administered by Associate Justice John H. Sharp of the Supreme Court, and he also affixed his signature to the official oath, Justice Sharp attesting same with the Great Seal of the Commonwealth of Texas.

Speaker Calvert presented Senator Will D. Pace, President Pro Tempore of the Senate, who presented Lieutenant Governor Walter F. Woodul to the Joint Session.

Mr. Woodul then addressed the Joint Session and the assemblage.

The Governor-elect, Honorable James V. Allred, then came forward and took the constitutional oath of office which was administered by Associate Justice John H. Sharp of the Supreme Court, and he also affixed his signature to the official oath, Justice Sharp attesting same with the Great Seal of the Commonwealth of Texas.

Senator Will D. Pace, President Pro Tempore of the Senate, presented the Honorable Pat M. Neff, who in turn presented Governor James V. Allred.

Governor Allred then addressed the Joint Session and the assemblage.

SENATE RETIRES

At 12:30 o'clock p. m., at the conclusion of the ceremony, the Senate retired to its Chamber.

(Speaker in the Chair.)

ADJOURNMENT

On motion of Mr. Leonard, the House, at 12:35 o'clock p. m., adjourned until 2:00 o'clock p. m., tomorrow.

FIFTH DAY

(Wednesday, January 20, 1937)

The House met at 2:00 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called and the following Members were present:

Mr. Speaker	James
Adkins	Johnson of Ellis
Alexander	Johnson
Alsup	of Tarrant
Amos	Jones of Angelina
Baker	Jones of Atascosa
Bates	Jones of Falls
Beckworth	Keefe
Bell	Kelt
Blankenship	Kenyon
Boethel	Kern
Bond	King
Boyer	Knetsch
Bradbury	Langdon
Bradford	Lankford
Bridgers	Lanning
Broadfoot	Leath
Brown	Leonard
Burton	Leyendecker
Cagle	Little
Callan	London
Carssow	Lucas
Cathey	Mann
Celaya	Mauritz
Cleveland	Mays
Colquitt	McConnell
Davis of Haskell	McCracken
Davis of Jasper	McDonald
Davison of Fisher	McFarland
Dean	McKee
Deglandon	McKinney
Derden	Metcalfe
Dickison	Moffett
Dollins	Monkhouse
England	Morris
Farmer	Morse
Felty	Newton
Fielden	Nicholson
Fox	Oliver
Fuchs	Palmer
Gibson	Patterson of Mills
Graves	Patterson
Hamilton	of Travis
Hankamer	Petsch
Hanna	Pope
Harbin	Powell
Hardin	Prescott
Harper	Quinn
Harrell	Ragsdale
Harris of Archer	Reader
Harris of Dallas	Reed of Bowie
Harris of Dickens	Reed of Dallas
Hartzog	Rhodes
Heflin	Riddle
Herzik	Roark
Holland	Ross
Hoskins	Russell
Howard	Rutta
Huddleston	Schuenemann
Hull	Settle
Jackson	Sewell

Sharpe	Tennant
Shell	Tennyson
Simpson	Thornberry
Skaggs	Thornton
Smith of Hopkins	Vale
Smith	Waggoner
of Matagorda	Walker
Smith of Tarrant	Weldon
Stevenson	Westbrook
Stocks	Winfree
Talbert	Wood
Tarwater	Worley

Absent-Excused

Davisson	Keith
of Eastland	Loggins
Hyder	Stinson
Jones of Wise	

A quorum was announced present.
Rev. George W. Coltrin, Chaplain,
offered prayer.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Davisson of Eastland for today, on motion of Mr. Hardin.

Mr. Loggins for today, on motion of Mr. Bradbury.

The following Members were granted leaves of absence on account of illness:

Mr. Stinson for today, on motion of Mr. Hankamer.

Mr. Keith for today, on motion of Mr. Burton.

Mr. Hyder for today, on motion of Mr. Settle.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Harrell, Mr. Derden and Mr. Simpson:

H. B. No. 180, A bill to be entitled "An Act amending Sections 7 and 10 of Article II of House Bill No. 8, Acts, Forty-fourth Legislature, Third Called Session by providing that the County Judge in each county shall be the local administrative officer to carry out the provisions of the Old Age Assistance Law; prescribing the powers and duties of such officer; repealing all laws and parts of laws

in conflict herewith, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Shell:

H. B. No. 181, A bill to be entitled "An Act providing for the admissibility in evidence of certified copies of certain instruments required by statute or by Rules of the Railroad Commission of Texas to be filed with the Railroad Commission of Texas, and providing that same shall be prima facie evidence of the facts contained therein, and authorizing certificates to such copies to be made by certain officials therein specified."

Referred to the Committee on Judiciary.

By Mr. Hanna, Mr. Reed of Dallas, Mr. Cagle, Mr. Derden and Mr. Sewell:

H. B. No. 182, A bill to be entitled "An Act amending Article 802, Penal Code of Texas, 1925, as amended by Chapter 424, Acts of the First Called Session of the Forty-fourth Legislature, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Johnson of Tarrant and Mr. Thornton:

H. B. No. 183, A bill to be entitled "An Act creating a lien upon the recovery to guarantee to an Attorney at Law the payment of his fees in cases where the Attorney is employed other than on a cash basis."

Referred to the Committee on Judiciary.

By Mr. Bradbury:

H. B. No. 184, A bill to be entitled "An Act amending Article 4667 of the Revised Civil Statutes of the State of Texas, Revision of 1925, so as to provide and enjoin duties upon the District Attorney, County Attorney and Attorney General, defining reliable information and providing a penalty for the District Attorney, County Attorney or Attorney General for a failure to perform duties enjoined upon him by Article 4666 and Article 4667, Statutes of the State of Texas, Revision of 1925."

Referred to the Committee on Judiciary.

By Mr. Harbin:

H. B. No. 185, A bill to be entitled "An Act making an emergency appropriation for John Tarleton Agricultural College, a branch of Agricultural and Mechanical College of Texas, for the purpose of erecting a water tower on the campus of said college to be used by it, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Bradbury, Mr. Broadfoot and Mr. Jones of Atascosa:

H. B. No. 186, A bill to be entitled "An Act amending Article 2424, Revised Civil Statutes of Texas, 1925, relating to juries in civil cases in justice courts; providing the number of jurors which may render a verdict; providing if any part of this Act is declared unconstitutional it shall not affect the validity of the remainder, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Bradbury, Mr. Broadfoot and Mr. Jones of Atascosa:

H. B. No. 187, A bill to be entitled "An Act to amend Articles 2203, 2204, 2205 and 2206 of Chapter 8, Title 42, of the Revised Civil Statutes of Texas, 1925, relating to the form of verdicts of juries in Civil Cases so as to provide that in the trial of Civil Cases nine members of the jury concurring may render a verdict in the District Court; and five jurors concurring may render a verdict in the County Court, County Court at Law, and Courts of Justices of the Peace; and providing for the polling juries and repealing of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Bradbury and Mr. Broadfoot:

H. B. No. 188, A bill to be entitled "An Act amending Article 2190 of the Revised Civil Statutes of Texas, 1925, as amended by Acts of the Forty-second Legislature, 1931, Chapter 78, Section 1, relating to special issues; providing that failure to submit an issue shall not be deemed ground to reverse a judgment unless submission is requested in writing by parties complaining thereof; providing that upon appeal or writ

of error that an issue not submitted and not requested is deemed as found by the court in such manner as to support the judgment if the evidence sustains the finding, whether such omitted issue be a complete theory of recovery or defense, a complete ultimate issue or a subsidiary issue; providing that if any part of this Act is declared unconstitutional, it shall not affect the validity of the remainder, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Bradbury and Mr. Broadfoot:

H. B. No. 189, A bill to be entitled "An Act to amend Article 2207, Revised Statutes of Texas, 1925, relating to defective, informal or conflicting verdicts; providing a court may reform verdicts at the bar; providing that if a verdict is not responsive to the issue or issues submitted, or if there be conflict in the findings of the jury, the court shall call their attention thereto and send them back for further deliberation; providing that if any part of this Act is declared unconstitutional, it shall not affect the validity of the remaining portions of this Act, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Bradbury and Mr. Broadfoot:

H. B. No. 190, A bill to be entitled "An Act amending Article 2189 of the Revised Civil Statutes of Texas, 1925, relating to special issues in civil cases; providing the court may submit cause upon such issues with or without request of either party, shall submit the cause upon special issues raised by the pleadings and the evidence; such special issues shall be submitted separately; provided the court shall not be required to submit affirmatively an issue which once has been fairly submitted negatively and the converse; providing that each issue shall be answered separately by the jury; providing that the court shall submit explanations and definitions of words and legal terms; providing court shall not be required to define words and legal terms unless requested in writing by one of the parties; providing that the failure of the trial court to define legal terms used in the charge shall not be a ground for reversal unless it appears that before the case was submitted to the jury

the complaining party prepared and tendered to the trial court a written charge properly defining such terms; providing if any part of this Act is declared unconstitutional it shall not affect the validity of the remainder, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Bradbury and Mr. Broadfoot:

H. B. No. 191, A bill to be entitled "An Act to amend Article 1856, Revised Civil Statutes of Texas, so as to confine reversals or errors to substance and merit, by adding thereto certain provisos to the effect that the Courts of Civil Appeals shall not reverse a judgment for errors not calculated to cause and which probably did not cause rendition of an improper judgment, or probably prevented appellant from making a proper presentation of the case on appeal; and authorizing reversal only of part of matter in controversy where severable from other parts; and authorizing the appellate court to require the trial court to correct errors in certain cases; and authorizing allowance of amendments to pleadings in appellate court where this may be done without detriment to substantial rights of parties; and providing that invalidity of a part of this Act shall not invalidate any other part; and repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Bradbury and Mr. Broadfoot:

H. B. No. 192, A bill to be entitled "An Act amending Article 2199 of the Revised Civil Statutes of this State, so as to allow the jury to hear the court reporter read from his notes where there is any disagreement among the jury as to the statement of any witness, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Adkins:

H. B. No. 193, A bill to be entitled "An Act amending Article 710, Code of Criminal Procedure, as enacted in 1925, as hereinafter set out, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Adkins:

H. B. No. 194, A bill to be entitled "An Act to be called Article 578a of the Code of Criminal Procedure of the State of Texas, and providing for an alternate juror in the trial of certain felony cases; providing for the qualifications and method of selection of such juror; making this Act cumulative of all other laws, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Adkins and Mr. Tarwater:

H. B. No. 195, A bill to be entitled "An Act regulating the sale of property at public sale; providing for equity of redemption thereof from such sale, and providing that property so sold shall be exempt from resale for any of the indebtedness which constitutes the basis of such sale; fixing a time within which property sold at public sale may be redeemed and the basis of redemption; repealing all laws and parts of laws in conflict, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Adkins and Mr. Metcalfe:

H. B. No. 196, A bill to be entitled "An Act providing for the registration of dogs and for a tax on same; prohibiting unregistered dogs from running at large; prohibiting dogs not muzzled from running at large during the night-time; providing conditions under which certain dogs may be killed; making it unlawful to own and keep a dog not registered; prescribing conditions under which poison may be put out for dogs; prescribing the rate of tax and for use and distribution of such fund; prescribing a penalty for violation of this Act; providing a method by which this Act may be made effective in counties; providing a saving clause in case any part of this Act be held invalid; repealing any and all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Live Stock and Stock Raising.

By Mr. Holland:

H. B. No. 197, A bill to be entitled "An Act regulating voting in political party primaries, providing no poll tax shall ever be required to vote therein, providing for registration for voters' in party primaries and conventions and regulation and disposi-

tion of fees therefor by commissioners courts, and repealing all laws and parts of laws in conflict herewith."

Referred to the Committee on Privileges, Suffrage and Elections.

By Mr. Quinn:

H. B. No. 198, A bill to be entitled "An Act levying and providing for the payment of a State occupation tax on the producing, distributing, exporting, importing and sale of natural gas with certain exceptions; requiring reports to be made and records to be kept by those engaged in the business, and providing for the inspection thereof by certain public officials, their employees or representatives; prescribing penalties for failure to comply with the provisions of this Act; providing for the payment of interest and penalties on delinquent taxes due hereunder; providing that the State may compel meters to be placed on natural gas wells and natural gas pipe lines; providing for suits to enforce the collection of delinquent taxes, interest, penalties and costs by certain officials and fixing the venue therefor; providing that one-fourth of the tax collected shall be paid into the State Treasury for account of the Public Free School Fund, one-fourth for account of the Old Age Pension Fund and one-half for account of the General Fund; providing that should any part of this bill be declared unconstitutional the remainder of the bill shall remain in full force and effect; the fact that the State Treasury is in a depleted condition, and the fact that millions of dollars worth of natural gas is being produced and sold without paying a reasonable tax, therefore, an emergency is declared."

Referred to the Committee on Revenue and Taxation.

By Mr. Reed of Bowie and Mr. Harper:

H. B. No. 199, A bill to be entitled "An Act to amend Article 2355 of the Revised Statutes of 1925, so as to authorize the Commissioners' Court of any county, in case of the inability of the regularly elected County Judge to perform the duties of his office, or in case of his absence from the county for a period of ten (10) days, to appoint some person qualified under the law to be elected to the office of County Judge, to serve

as County Judge during the disability or absence of the regularly elected County Judge, and during such time, to have and exercise all of the powers of the duly elected County Judge of such county, and to provide for the compensation of the persons selected; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Reed of Bowie:

H. B. No. 200, A bill to be entitled "An Act defining the term 'Dance Hall,' providing that any person, firm or corporation desiring to operate a Dance Hall shall apply for and secure license from the State Comptroller of Public Accounts; levying an annual occupation tax of One Hundred (\$100.00) Dollars against each person, firm or corporation operating a Dance Hall; providing for the issuance of license by the County Tax Assessor-Collector in each county; providing that any person, firm, corporation, partnership or association of persons operating a Dance Hall without having paid the occupation tax provided for herein shall be deemed guilty of misdemeanor subject to conviction and fine in any sum not less than Twenty-five (\$25.00) Dollars, nor more than Five Hundred (\$500.00) Dollars; providing that the tax herein levied shall not apply to dances given under the direction, management or control of any religious, charitable, fraternal or educational institution or any county, district or State Fair organization or any City Fireman's and Policeman's organization; providing that the provisions of this Act shall be severable, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

HOUSE JOINT RESOLUTIONS ON FIRST READING

The following House joint resolutions, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Farmer:

H. J. R. No. 18, Amending Section 51b, of Article III, of the Constitution of Texas, providing for old-age assistance to certain citizens over

sixty-five years of age, not exceeding Fifteen Dollars (\$15.00) per month. Providing for the length of time of actual residence in Texas, and further providing for the acceptance of funds for such purpose from the Federal Government; providing for the form of ballot and the time of holding the election. Directing the Governor to make proclamation of the election and for the advertising of same according to law, and making an appropriation to pay the expenses of holding such an election.

Referred to the Committee on Constitutional Amendments.

By Mr. Kern:

H. J. R. No. 19, Proposing an amendment to Article III, Section 2 of the Constitution of the State of Texas; providing the Senate shall consist of twenty-one Members and the House of Representatives shall consist of eighty-four Members; providing for an election on the question of adoption or revocation of such amendment and making an appropriation therefor, providing for the proclamation and publication thereof, and prescribing the form of ballot.

Referred to the Committee on Constitutional Amendments.

ADDITIONAL SIGNERS OF BILLS

By unanimous consent of the House, the following Members were authorized to sign bills as co-authors of same, as follows:

Mr. Monkhouse and Mr. Dollins, House Bill No. 10.

Mr. Blankenship, House Bill No. 73.

Mr. Ragsdale, Mr. Hull, Mr. McDonald, Mr. Bond, Mr. Newton, Mr. Sharpe, Mr. Harper and Mr. Jones of Angelina, House Bill No. 10.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Jones of Falls offered the following resolution:

H. C. R. No. 9, To grant Mrs. Tom (Fritz) Harrell permission to sue the State of Texas and the State Highway Commission.

Whereas, Tom (Fritz) Harrell, twenty-seven years of age, was killed at or about 5:30 a. m., March 4, 1936, while driving a car across the Red River near Burkburnett, Texas. About two-thirds of the way across the

bridge a span had been washed away, and a temporary wooden structure had been built adjoining the permanent bridge to take care of traffic during the time of repair. Prior to the time of this accident two watchmen had been kept on duty, one at each end of the bridge to warn the traffic to detour on wooden structure, but these night watchmen had been discontinued for about four months before the accident, and flares and wooden barriers were used to warn the approaching traffic to enter along temporary wooden structure at this point. On this particular night the wooden barriers had been removed, and the flares were not burning, and in this condition it made the bridge appear level and prevented the driver from seeing the temporary structure and would naturally cause him to proceed, which was done in this case, and the barriers being removed there was nothing to stop the driver from going straight ahead, and therefore, the driver, Mr. Fritz Harrell and another person were killed.

Whereas, The widow, Mrs. Fritz Harrell, has in no way been compensated by the State of Texas or by the State Highway Commission, or otherwise, for this negligence which caused this accident; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the said Mrs. Fritz Harrell, be given permission and consent of the State of Texas, to file and prosecute suit or suits against the State of Texas and the State Highway Commission; and, be it further

Resolved, That the service of all necessary processes may be had upon the Chairman of the State Highway Commission and the Attorney General with the same force and effect as in civil cases; and, be it further

Resolved, That a certified copy of this resolution when presented to the District Court in which a suit is filed by the above named party, shall be conclusive evidence that the Legislature has consented to such suit being filed, and that permission has been granted to the above named party to bring suit against the State of Texas and the State Highway Commission.

The crowded condition of the calendar and the importance of the subject matter of this resolution create an imperative public necessity for the suspension of the Constitutional Rule that all bills be read on three separate

days in each House, and said Rule is hereby suspended and this resolution shall take effect from and after its passage, and it is so enacted.

JONES of Falls,
CAGLE,
DOLLINS.

The resolution was read second time, and was referred by the Speaker to the Committee on State Affairs.

RELATIVE TO LANDS PURCHASED BY FEDERAL GOVERNMENT FOR REFORESTATION PURPOSES

Mr. Westbrook offered the following resolution:

H. C. R. No. 10, Concerning forest preservation.

Whereas, The Forty-third Legislature of the State of Texas, in Regular Session, adopted Senate Concurrent Resolution No. 73, giving the consent of the State that the Federal Government purchase lands in Texas for reforestation and other purposes; and

Whereas, Pursuant to such consent on the part of the State, the United States has purchased and is purchasing large tracts of land, particularly for watershed protection and forest preservation purposes; and

Whereas, In the eastern part of the State the tracts have been purchased in such large contiguous areas that in several counties more than fifty per cent of the area of said counties is being purchased, thus removing said lands from taxation for State, county, district, and municipal purposes; and

Whereas, In some of said counties more than twenty-five per cent of the assessed valuation of property is being thus removed from the tax rolls; and

Whereas, In many instances the entire area of school districts and the entire area of road districts is being removed from taxation; and

Whereas, The State of Texas has already granted its consent to such program because of the beneficial results which will accrue to the section of the State involved, and which will accrue to the State generally; and

Whereas, The State likewise is affected by the removal of such large areas from taxation in the following particulars:

(a) In the future the State will not receive from said lands the taxes it has been receiving in the past for State ad valorem, State pension, and State available school purposes;

(b) The State owns in its permanent school fund, and in other funds, bonds of counties, cities, road districts and school districts situated within the affected area, which cannot be paid according to their tenor and effect because of the removal from taxation of a substantial part of the property originally securing said indebtedness;

(c) The State is interested in the condition of the citizens of said communities upon whom the burden of paying taxes will rest after said lands have been released from taxation, which burdens in the instance of bonds which are supported by unlimited taxing power must be materially increased, and in instances wherein said bonds are supported by limited taxing power must be increased to the maximum; and

Whereas, There was introduced at the Session of the Seventy-fourth Congress of the United States, an Amendment to a pending Bill (H. R. 6776) which was finally passed by unanimous vote of the Senate and House of Representatives of Congress but which Bill was thereafter vetoed by the President of the United States which would have permitted the Reconstruction Finance Corporation to make loans to the various governmental agencies in the affected area on a basis which would have prevented a default in the payment of their respective obligations without increasing the burden of taxation on the taxpayers, which at the same time assured the Reconstruction Finance Corporation of a repayment of such loans; and

Whereas, At the time of the purchase by the United States Government a great amount of this land was delinquent for ad valorem taxes, both to the State, counties and districts affected; and

Whereas, By reason of such purchase by the United States Government said land is exempted from taxation and will result in the financial insolvency of said counties and districts affected in a great many instances; and

Whereas, It is the belief of this Legislature that the United States

Government by reason of said purchase of land in such large amount in these areas has, more or less, obligated itself to see that the least amount of injury is occasioned to its citizens thereby affected; and

Whereas, The State of Texas appreciates the cooperation of the United States Government and the benefits which will accrue from the reforestation program, but desires the further cooperation of the Government in relieving the attendant hardships insofar as consistent and practical; and

Whereas, This Legislature is hopeful that after a reconsideration of this condition by the Congress of the United States and the Executive Department thereof, that some legislation will be passed and approved which will accomplish the purpose of relieving these conditions; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the cooperation heretofore rendered by the Senators and by the Congressmen from the State of Texas in reference to said matter is appreciated and heartily approved; and that the Congress of the United States be, and the same is hereby requested to repass the legislation hereinbefore described or some similar legislation which will accomplish its purpose; and that the President of the United States be and is hereby requested to give careful consideration of these problems to the end that if he can consistently do so, he may cooperate and approve such legislation; and, be it further

Resolved, That a copy of this Resolution be forwarded to the President of the United States, the Secretary of the Senate of the United States, the Chief Clerk of the House of Representatives of the United States, to each United States Senator and to each Congressman of the State of Texas.

The resolution was read second time.

On motion of Mr. Jones of Atascosa, the resolution was referred to the Committee on Public Lands and Buildings.

**ADOPTING UNA LOUISE LITTLE
AND JACK EDWARD LITTLE
AS MASCOTS**

Mr. Dean offered the following resolution:

Whereas, Up to the present time several lovely and charming young daughters and sons of various Representatives of this House have been named as Mascots; and

Whereas, We have in our midst Miss Una Louise Little, age 8, and Jack Edward Little, age 6, daughter and son of the Honorable G. H. Little, Member of the House of Representatives; therefore, be it

Resolved by the House of Representatives, That Una Louise Little and Jack Edward Little be added to the list of Mascots of this House and that their names be placed on the list and their pictures appear in the official group picture of the Members of the House.

The resolution was read second time, and was adopted.

**ADOPTING HELMUTH H.
SCHUENEMANN, JR.,
AS MASCOT**

Mr. Boethel offered the following resolution:

Be It Resolved by the House of Representatives of the State of Texas,

Whereas, We have with us now a proper person for the office of one of the Mascots of the House of Representatives of the Forty-fifth Legislature; and

Whereas, The House of Representatives has heretofore selected and elected other Mascots for the House of Representatives of the Forty-fifth Legislature; and

Whereas, This young man is one year of age and will appreciate this distinction of being selected a Mascot of this Legislature; now, therefore, be it

Resolved, That Helmuth H. Schuenemann, Jr., of Kenedy, Texas, son of our distinguished Member, the Honorable Helmuth H. Schuenemann of Kenedy, Texas, be hereby officially named by this House as one of the Mascots for the House of Representatives of the Forty-fifth Legislature of the State of Texas; and, be it further

Resolved, That the said Mascot have a picture made and placed in the of-

ficial group of this body and that a copy of this resolution be given him.

**BOETHEL,
BELL,
METCALFE,
SHELL.**

The resolution was read second time, and was adopted.

**TO PROVIDE FOR CERTAIN
MEETING IN REGARD
TO EDUCATION**

Mr. Cathey offered the following resolution:

To the Honorable Bob Calvert, Speaker of the House:

Whereas, The Appropriation Committee will soon be at work framing an appropriation bill to take care of the schools and colleges of this State; and

Whereas, The present set-up of the Board of Education's rules and regulations governing common schools and high schools of this State are such that when a boy or girl is not able to procure any kind of employment from the State or in many instances from individuals, associations of people, or corporations, unless they are able to show a degree from some reputable college; and

Whereas, The State is spending many hundreds of thousands of dollars hauling boys and girls into high schools and graduating them in the different high schools of the State; and

Whereas, They are unable to attend college, when forced to leave their home county, and their educational purposes are thwarted and come to naught unless some means is worked out by the Forty-fifth Legislature by which these boys and girls may have some help from the State to attend college and finish their education; therefore, be it

Resolved by this House, That the superintendents of each of the state schools and colleges be invited by the Chief Clerk of this House to attend a meeting at a designated time and place set by the Appropriations Committee undertaking to work out some means by which these boys and girls may be permitted to finish their education.

The resolution was read second time.

On motion of Mr. Davison of Fisher, the resolution was referred to the Committee on Education.

ADOPTING MARJIE JANE HEFLIN AS MASCOT

Mr. Morse offered the following resolution:

Whereas, Up to the present time several lovely and charming young daughters and sons of various Representatives of this House have been named as Mascots; and

Whereas, We have in our midst Marjie Jane Heflin, daughter of the Hon. J. M. Heflin, Member of the House of Representatives, and Mrs. Heflin; therefore, be it

Resolved by the House of Representatives, That Marjie Jane Heflin be added to the list of Mascots of this House and that her name be placed on the list and her picture appear in the official group picture of the Members of the House.

MORSE,
HOWARD,
WINFREE,
MANN.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, January 20, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 55, A bill to be entitled "An Act to amend Section 1 of Chapter 144, Acts Regular Session of the Forty-fourth Legislature, page 383, of the compiled laws of said session, and declaring an emergency."

S. B. No. 44, A bill to be entitled "An Act validating, confirming, approving and legalizing all proceedings had by cities and towns, including home rule cities, in the issuance and sale of bonds, and in holding elections passing orders, ordinances and resolutions authorizing the issuance of such bonds, and further validating all proceedings in voting and authorizing the issuance of bonds heretofore authorized, but not yet issued and sold, prescribing the terms and conditions upon which such bonds shall be validated; providing that this Act shall not apply to any such proceedings, obligations issued thereunder, the validity of which has been contested or attacked,

in a pending suit or litigation, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

FIXING ORDER OF BUSINESS

Mr. Petsch offered the following resolution:

Whereas, At the general election on November 4, 1930, Section 5 of Article II of the Constitution of Texas was amended so as to hereafter read as follows, to-wit:

"The Legislature shall meet every two years at such times as may be provided by law and at other times when convened by the Governor. When convened in Regular Session, the first thirty days thereof shall be devoted to the introduction of bills and resolutions, acting upon emergency appropriations, passing upon the confirmation of the recess appointees of the Governor and such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided, that during the succeeding thirty days of the Regular Session of the Legislature the various committees of each House shall hold hearings to consider all bills and resolutions and other matters then pending; and such emergency matters as may be submitted by the Governor; provided further, that during the following sixty days the Legislature shall act upon such bills and resolutions as may be then pending and upon such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided, however, either House may otherwise determine its order of business by an affirmative vote of four-fifths of its membership."

Whereas, Under said amendment it is specifically provided that either House may otherwise determine its order of business by an affirmative vote of four-fifths of its membership; therefore, be it

Resolved by the House of Representatives, by an affirmative vote of four-fifths of its Members, That the order of business is hereby determined to be otherwise, and specifically as set forth in the permanent Rules of the

House of Representatives of the Forty-fifth Legislature.

PETSCH,
MORSE,
GRAVES,
BELL,
MOFFETT.

The resolution was read second time, and was adopted by the following vote:

Yeas—127

Adkins	Huddleston
Alexander	Hull
Alsup	Jackson
Amos	James
Baker	Johnson of Ellis
Bates	Johnson
Beckworth	of Tarrant
Blankenship	Jones of Angelina
Boethel	Jones of Atascosa
Bond	Jones of Falls
Boyer	Keefe
Bradbury	Kelt
Bradford	Kenyon
Broadfoot	Kern
Brown	King
Burton	Knetsch
Cagle	Langdon
Callan	Lankford
Carssow	Lanning
Cathey	Leath
Cleveland	Leonard
Colquitt	Leyendecker
Davis of Haskell	Little
Davis of Jasper	London
Davison of Fisher	Lucas
Dean	Mann
Deglandon	Mays
Derden	McConnell
Dickison	McCracken
Dollins	McDonald
England	McFarland
Farmer	McKee
Felty	McKinney
Fielden	Moffett
Fox	Monkhouse
Fuchs	Morris
Gibson	Morse
Graves	Newton
Hamilton	Oliver
Hankamer	Patterson of Mills
Hanna	Patterson
Harbin	of Travis
Harper	Petsch
Harrell	Pope
Harris of Archer	Powell
Harris of Dallas	Prescott
Harris of Dickens	Quinn
Heflin	Ragsdale
Herzik	Reader
Holland	Reed of Dallas
Hoskins	Rhodes
Howard	Riddle

Roark	Talbert
Ross	Tarwater
Russell	Tennant
Schuenemann	Tennyson
Settle	Thornberry
Sharpe	Thornton
Shell	Vale
Simpson	Waggoner
Smith of Hopkins	Walker
Smith	Westbrook
of Matagorda	Winfree
Smith of Tarrant	Wood
Stocks	Worley

Nays—6

Bridgers	Reed of Bowie
Hardin	Skaggs
Metcalf	Weldon

Absent

Bell	Palmer
Celaya	Rutta
Hartzog	Sewell
Mauritz	Stevenson
Nicholson	

Absent-Excused

Davisson	Keith
of Eastland	Loggins
Hyder	Stinson
Jones of Wise	

ADOPTION OF PERMANENT HOUSE RULES

The Speaker laid before the House, for consideration at this time, the Report of the Committee on Rules, which report recommended the adoption of certain Rules for the House of Representatives of the Forty-fifth Legislature. (The report having heretofore been printed as a supplement to the House Journal.)

On motion of Mr. Petsch, by unanimous consent, the House agreed to consider the report of the Committee on Rules, section by section.

Mr. Metcalfe offered the following amendment to Section 2 of Rule III:

Amend Section 2 of Rule III, by striking out the words "for an hour before the House convenes" and insert in lieu thereof "at eight-thirty a. m."

The amendment was adopted.

Mr. Metcalfe moved to reconsider the vote by which the above amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Farmer offered the following amendment to Section 4, Rule IX:

Amend Section 4, page 23, by striking out "four" and insert therefor "two".

Mr. Hardin moved the previous question on the above amendment, and the motion was not seconded.

Mr. Thornton moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—79

Alexander	Jones of Falls
Alsup	Keefe
Baker	Kenyon
Bates	Knetsch
Bell	Langdon
Blankenship	Leath
Boethel	Leonard
Bond	Little
Bradford	London
Bridgers	Mauritz
Broadfoot	McCracken
Burton	McDonald
Callan	McFarland
Carssow	McKinney
Celaya	Metcalfe
Colquitt	Moffett
Davis of Haskell	Monkhouse
Davison of Fisher	Morris
Dean	Morse
Dollins	Nicholson
England	Patterson of Mills
Felty	Petsch
Fielden	Reader
Gibson	Reed of Dallas
Graves	Riddle
Hamilton	Roark
Hankamer	Schuenemann
Hanna	Settle
Harper	Smith of Hopkins
Harrell	Smith
Harris of Archer	of Matagorda
Harris of Dalias	Stocks
Harris of Dickens	Tarwater
Heflin	Tennant
Howard	Tennyson
Hull	Thornberry
Jackson	Thorton
Johnson	Waggoner
of Tarrant	Walker
Jones of Angelina	Worley
Jones of Atascosa	

Nays—57

Adkins	Cagle
Amos	Cathey
Beckworth	Davis of Jasper
Boyer	Deglandon
Bradbury	Derden
Brown	Dickison

Farmer	Palmer
Fox	Patterson
Fuchs	of Travis
Harbin	Pope
Hardin	Powell
Holland	Prescott
Hoskins	Quinn
Huddleston	Ragsdale
James	Reed of Bowie
Johnson of Ellis	Rhodes
Kelt	Ross
Kern	Russell
King	Rutta
Lankford	Sharpe
Lanning	Simpson
Leyendecker	Skaggs
Lucas	Smith of Tarrant
Mann	Talbert
Mays	Vale
McConnell	Weldon
McKee	Westbrook
Newton	Winfree
Oliver	Wood

Absent

Cleveland	Sewell
Hartzog	Shell
Herzik	Stevenson

Absent—Excused

Davisson	Keith
of Eastland	Loggins
Hyder	Stinson
Jones of Wise	

Mr. Farmer offered the following amendment to Section 4 of Rule IX:

Amend Section 4, page 23, by striking out, "and who voted on the losing side".

On motion of Mr. Hanna, the amendment was tabled.

Mr. Alexander offered the following amendment to Section 39, Rule VIII:

Amend Rules Committee Report, page 21, Section 39, by adding at the end thereof the following language:

"Provided, however, that such bill shall be considered contested and so withdrawn upon notice being given by three Members that it is their intention to oppose same."

The amendment was adopted.

Mr. Farmer offered the following amendment to Section 5, Rule IX:

Amend Section 5, page 24, line 20, by striking out the words "two-thirds" and insert therefor "majority".

On motion of Mr. Petsch, the amendment was tabled.

Mr. Metcalfe offered the following amendment to Section 5, Rule XIX:

Amend Section 5 of Rule XIX by striking out the word "forty-five" and insert in lieu thereof the word "thirty."

On motion of Mr. Hankamer, the amendment was tabled.

(Pending consideration of the committee report, Mr. Jones of Atascosa occupied the Chair temporarily.)

(Mr. Knetsch in the Chair.)

Mr. Hankamer offered the following amendment to Section 1, Rule XXIX:

Amend Rule XXIX, by striking out the last sentence of Section 1 on page 68 of the printed Rules.

Mr. Moffett moved to table the amendment.

The motion to table was lost.

Question recurring on the amendment, it was adopted.

(Speaker in the Chair.)

Mr. Wood offered the following amendment to Section 1, Rule XXIX:

Amend the Committee Report to Rule XXIX by adding a new section to be known as Section 8, as follows:

"All pages shall remain at the back of the Hall of the House except when in the act of serving the Members, and all stenographers shall remain in the stenographic hall except when in the actual act of taking dictation from the Members. The same Rule shall apply to the committee clerks and other employees."

The amendment was adopted.

Mr. Keefe offered the following amendment to Rule XXIV:

Amend Rule XXIV by adding a new section to read as follows:

"No Conference Committee report shall be considered by the House unless it has been printed in the Journal two days before the day set for sine die adjournment during the Regular Session and one day before adjournment during Special Sessions."

On motion of Mr. Graves, the amendment was tabled.

Question recurring on the committee report as amended, it was adopted.

Mr. Morse moved to reconsider the vote by which the committee report was adopted and to table the motion to reconsider.

The motion to table prevailed.

RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled resolutions:

H. C. R. No. 7, Providing for parking space for Members of the Legislature.

H. C. R. No. 8, Providing for a Joint Session of the House and Senate for the purpose of inaugurating the Governor-elect and Lieutenant Governor-elect.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 55, to the Committee on Game and Fisheries.

Senate Bill No. 44, to the Committee on Judiciary.

ADJOURNMENT

On motion of Mr. Reed of Bowie, the House at 6:00 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, January 19, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 8, Providing for a Joint Session of the House and Senate for the purpose of inaugurating the Governor-elect and Lieutenant Governor-elect.

Has carefully compared same and finds it correctly enrolled.

LOUISE SNOW PHINNEY,
Chief Clerk.

Committee Room,

Austin, Texas, January 20, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 7, Providing for suitable parking space for Members of the Legislature.

Has carefully compared same and finds it correctly enrolled.

LOUISE SNOW PHINNEY,
Chief Clerk.

SIXTH DAY

(Thursday, January 21, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Hanna
Adkins	Harbin
Alexander	Hardin
Alsup	Harper
Amos	Harrell
Baker	Harris of Archer
Bates	Harris of Dallas
Beckworth	Harris of Dickens
Bell	Hartzog
Boethel	Heflin
Bond	Herzik
Boyer	Holland
Bradbury	Hoskins
Bradford	Howard
Bridgers	Huddleston
Broadfoot	Hull
Brown	Hyder
Burton	Jackson
Cagle	James
Callan	Johnson of Ellis
Carssow	Johnson
Cathey	of Tarrant
Celaya	Jones of Angelina
Cleveland	Jones of Atascosa
Colquitt	Jones of Falls
Davis of Haskell	Keefe
Davis of Jasper	Keith
Davison of Fisher	Kelt
Dean	Kern
Deglandon	King
Derden	Knetsch
Dickison	Langdon
Dollins	Lankford
England	Lanning
Farmer	Leonard
Felty	Leyendecker
Fielden	Little
Fox	Loggins
Fuchs	London
Gibson	Lucas
Graves	Mann
Hamilton	Mauritz
Hankamer	Mays

McConnell	Ross
McCracken	Russell
McDonald	Rutta
McFarland	Schuenemann
McKee	Settle
McKinney	Sewell
Metcalf	Sharpe
Moffett	Shell
Monkhouse	Simpson
Morris	Skaggs
Morse	Smith of Hopkins
Newton	Smith
Oliver	of Matagorda
Palmer	Stevenson
Patterson of Mills	Stocks
Patterson	Talbert
of Travis	Tarwater
Petsch	Tennant
Pope	Tennyson
Powell	Thornberry
Prescott	Thornton
Quinn	Vale
Ragsdale	Waggoner
Reader	Walker
Reed of Bowie	Weldon
Reed of Dallas	Westbrook
Rhodes	Winfree
Riddle	Wood
Roark	Worley

Absent

Leath Nicholson

Absent—Excused

Blankenship	Kenyon
Davisson	Smith of Tarrant
of Eastland	Stinson
Jones of Wise	

A quorum was announced present.

Rev. George W. Coltrin, Chaplain, offered prayer.

LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence on account of important business:

Mr. Davisson of Eastland for today, on motion of Mr. Prescott.

The following Members were granted leaves of absence on account of illness:

Mr. Kenyon for today, on motion of Mr. Thornton.

Mr. Stinson for today, on motion of Mr. Hankamer.

Mr. Smith of Tarrant for today, on motion of Mr. Hanna.

Mr. Blankenship for today, on motion of Mr. McDonald.